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DATE FILED: 6/21/13

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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TYLER WALZ, STEPHEN STACY a/k/a STEVE STACY,
FORREST BAYLESS, MARCUS CALDERON,
DANNY MARR, Each Individually And On Behalf Of All
Other Persons Similarly Situated,

Plaintiffs,

-against-

44&X incorporated as 10th AVENUE GROUP, INC.,
SCOTT HART Individually, and
BRUCE HOROWYTZ a/k/a BRUCE HOROWITZ,
Individually,

Defendants.
-----X

12 CV 5800 (CM)(AJP)

**NOTICE OF
MOTION FOR
PRELIMINARY
APPROVAL OF
CLASS ACTION
SETTLEMENT AND
APPROVAL OF
PROPOSED NOTICE
OF SETTLEMENT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement and Approval of Proposed Notice of Settlement, the June 20, 2013 Declaration of Peter J. Andrews, the exhibits attached thereto, and all the pleadings and proceedings herein, Plaintiffs respectfully intend to move this Court, before the Honorable United States Magistrate Judge Andrew J. Peck, as soon as counsel can be heard for an order pursuant to the Plaintiffs' Memorandum of Law.

Dated: New York, New York
June 20, 2013

Respectfully submitted by:
THE HARMAN FIRM, PC
Counsel for Plaintiffs

MEMO ENDORSED

*DENIED w/o prejudice for
reconsideration at 7/11/13.
Relevant motion with reasons
b7 7/11/13.*

SO ORDERED:

[Signature]
Hon. Andrew J. Peck
United States Magistrate Judge

s/
Peter J. Andrews [PA-3295]
200 West 57th Street, Suite 900
New York, New York 10019
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BY ECF

TRANSCRIPTION:

DENIED w/o prejudice for reasons stated at today's teleconf. Resubmit motion with revisions by 7/1/13.

Copies by ECF: All Counsel